

APPENDIX E: PRINCIPLES FOR WILDERNESS MANAGEMENT IN THE CALIFORNIA DESERT

PRINCIPLES FOR WILDERNESS MANAGEMENT IN THE CALIFORNIA DESERT

A Response to Transition Task # 28

**Develop a consistent management
policy for DOI in managing
California Desert Wilderness.**

CHAPTER I. SECURING AN ENDURING RESOURCE OF WILDERNESS

It is the intent of the Federal land managers of the California Desert to secure for the American people of present and future generations an enduring resource of wilderness, composed of those Federal lands in the California Desert designated by Congress as “wilderness areas.”

The California Desert Protection Act designated 69 new wilderness areas, approximately 3.6 million acres, primarily administered by the Bureau of Land Management. Three of the wilderness areas are partially managed by the U.S. Forest Service, comprising approximately 100,000 acres. The National Park Service now administers 3.9 million wilderness acres in three units of the National Park System. The Fish and Wildlife Service gained 9,000 acres of wilderness in two refuges.

Wilderness areas shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness. The areas designated by Congress as wilderness in the California Desert are to be managed to retain their “...primeval character and influence, without permanent improvements or human habitation,...protected and managed so as to preserve ... natural conditions.”

Wilderness designation generally provides the most protective form of Federal land management requiring difficult decisions to ensure that the intent of the Wilderness Act is met: “to preserve...natural conditions,” and “outstanding opportunities for solitude or a primitive and unconfined type of recreation.” Where the Wilderness Act, or any other law, including the California Desert Protection Act, makes any exceptions to the general prohibitions in the Wilderness Act, the managers undertake to implement such exceptions consistently, judiciously and thoughtfully. Where wilderness characteristics of primeval character have been degraded, the managers pledge to restore the area, where feasible, to a condition, that “...generally appears to have been affected primarily by the forces of nature.”

Lastly, the managers will commit to develop common procedures that apply to all wilderness areas managed by each Federal agency, to the greatest extent legally permissible.

CHAPTER II. THE WILDERNESS ACT AND SPECIFIC PROHIBITIONS

The Wilderness Act (16 U.S.C. 1133(c)) specifically prohibits certain activities on wilderness lands, no matter which Federal agency administers the lands. Federal agencies, by regulation and policy, may not permit such activities on their lands, except for the special provisions of the Wilderness Act or other statutes.

The Wilderness Act specifically prohibits:

- *commercial enterprises;
- *permanent roads;
- *temporary roads;
- *motor vehicles;
- *motorized equipment;
- *motorboats;
- *landing of aircraft;
- *any form of mechanical transport, and
- *structures or installations.

Note that the above prohibitions do not apply to those who possess “existing private rights” e.g. valid mining claims, inholdings or rights-of-way within wilderness. “Existing private rights” is the first, and major, exception to the Wilderness Act prohibitions and this exception applies to the wilderness areas in the California Desert. Other exceptions are discussed in Chapters III and IV.

In addition to the Wilderness Act prohibitions, Federal agencies may impose other prohibitions on Federal lands that are within wilderness under each agency’s specific statutory authorities. It is a fundamental premise of the Wilderness Act that the designation of Federal lands as “wilderness” does not remove the lands from the National Forest System, public lands or National Refuge System, National Park System, or from the laws and agencies that govern those systems (16 U.S.C. 1133(a)).

CHAPTER III. MINIMUM REQUIREMENTS FOR ADMINISTRATION OF THE AREA

The Wilderness Act provides a second major exception to the prohibitions listed in Chapter II. The Wilderness Act at 16 U.S.C.1133(c) states that “except as necessary to meet minimum requirements for the administration of the area for the purposes of this Act (including measures required in emergencies involving the health and safety of persons within the area) there shall be no temporary road, no use of motor vehicles, motorized equipment, or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation...” Note that the “minimum requirement” exception can never be used to allow a commercial enterprise or a permanent road in a wilderness area. A backcountry patrol station, fire lookout, a radio repeater, a helicopter rescue of an injured person, or a chainsaw may all be permitted in a wilderness only if such use is determined through a documented decision process, such as NEPA, to be the “minimum requirement for the administration of the area” for wilderness purposes.

Federal land managing employees often speak of “minimum tool.” That term is shorthand for this provision of the Wilderness Act and applies only to agency administrative activities for wilderness.¹

There has been a disparity between Federal agencies on applying the exception of “minimum requirements for the administration of the area for the purpose” of wilderness. The decision to permit administrative activities that are the minimum requirements remains the decision of each unit manager. However, the Desert managers, through collective communication, will build on a foundation of good decisions that protect both physical resources and the wilderness character of the area.

¹ Federal agencies also seek to govern activities by those who possess “private existing rights” in wilderness (e.g. a right-of-way holder) or an authorized user (e.g. a grazing allottee) under the “minimum tool” policy. Strictly speaking, the prohibitions in 16 U.S.C. 1133(c) DO NOT APPLY to those with “private existing rights” within designated wilderness. However, the agencies are nonetheless obligated to permit the exercise of “private existing rights” so as to minimize the damage to Federal wilderness areas. It is in this context that use of the term “minimum tool” must be understood.

CHAPTER IV. SPECIAL PROVISIONS IN THE WILDERNESS ACT

Congress incorporated into the 1964 Wilderness Act several “special provisions,” or exceptions. Since the 1964 Wilderness Act involved only national forest lands, the exceptions were originally applicable only to national forest wilderness areas. The “special provisions” are:

- *aircraft or motorboat use where they were established (16 U.S.C. 1133(d)(1));
- *measures for control of fire, insects and diseases (16 U.S.C. 1133(d)(1));
- *conduct of mineral surveys (16 U.S.C. 1133(d)(2));
- *location of mining claims until the end of 1983 (16 U.S.C. 1133(d)(3));
- *continued mineral leasing until January 1, 1984 (16 U.S.C. 1133(d)(3));
- *water project development with Presidential approval (16 U.S.C. 1133(d)(4));
- *continuation of existing grazing (16 U.S.C. 1133(d)(4));
- *retention of state authority over wildlife management (16 U.S.C. 1133(d)(7));
- *guarantee of adequate access to non-federal lands surrounded by wilderness (16 U.S.C. 1134(a)), and
- *customary ingress and egress to mining claims and other occupancies surrounded by wilderness (16 U.S.C. 1134(b)).

Several of the above “special provisions” apply specifically to wilderness in “national forests.” Others of the “special provisions” apply to the Secretary of Agriculture. The exceptions that apply to “national forest” wilderness and to the Secretary of Agriculture also apply to wilderness managed by the BLM under the terms of the Federal Land Policy and Management Act. (FLPMA) at 43 U.S.C. 1782(c).

Individual acts establishing wilderness in National Park System units, including the California Desert Protection Act at Section 603, contain language that is similar to the following:

The wilderness areas designated by this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, and where appropriate, any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

The Associate Solicitor, Conservation and Wildlife, wrote to the NPS Director on February 26, 1975 stating that “... an (NPS wilderness) act containing this language causes Wilderness Act sections” that apply to the Secretary of Agriculture “...to be made applicable to the (National Park System) area designated as wilderness.” However, the memo explains that special provisions applicable to “national forest” wilderness are not applicable to national park system wilderness. See the chart on the next page for applicability of each “special provision.”

1964 WILDERNESS ACT (Public Law 88-577)**Table 1**

EXCEPTIONS TO PROHIBITIONS OF WILDERNESS ACT	CITATIONS	BLM	FS	FWS	NPS
To meet the minimum requirements for the administration or area Including emergencies involving health/safety of persons.	4(c)	*	*	*	*
Aircraft or motorboat use, where established	4(d)1	*	*	*	*
Control fire, insects, and diseases	4(d)1	*	*	*	*
Gathering information about mineral or other resources	4(d)2	*	*		
Claim location, mineral leasing until 12/31/83 or designation	4(d)3	*	*		
Federal water projects allowed by the President	4(d)4(1)	*	*		
Grazing of livestock, where established, may continue	4(d)4(2)	*	*		
Boundary Water Canoe Area	4(d)5		*		
Commercial Services for wilderness purposes	4(d)6	*	*	*	*
Neutral with regard to State Water law	4(d)7	*	*	*	*
Neutral with regard to State wildlife jurisdiction	4(d)8	*	*		
Adequate Access to private and State lands	5(a)	*	*		
Ingress and egress to claims	5(b)	*	*		

CHAPTER V. THE SPECIAL PROVISIONS OF THE CALIFORNIA DESERT PROTECTION ACT AND THEIR EFFECT UPON WILDERNESS

Each unit of the National Wilderness Preservation System is governed by the laws that govern the national forests, national wildlife refuges, national parks or public lands and by the Wilderness Act. Finally, each wilderness area is ultimately governed by the provisions of the Act that established the area as wilderness.

The California Desert Protection Act, Titles I, II, and VI, designate wilderness areas to be administered by the BLM, Forest Service, Fish and Wildlife Service and the NPS. The Act contains several provisions that apply to wilderness. Some of the provisions do not apply equally to all wilderness created by the Act. Others of the provisions are applicable to all wilderness.

Some of the provisions are unique in the history of wilderness designations by Congress. The chart on the following page lists the provisions of the California Desert Protection Act that affect wilderness in the California Desert.

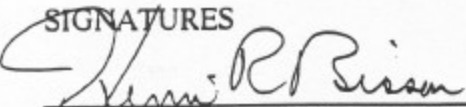
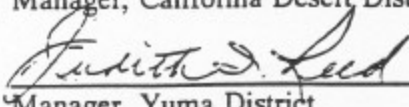
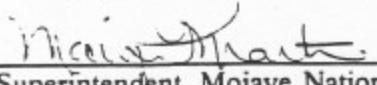
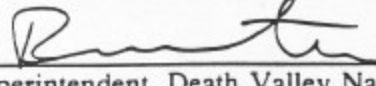
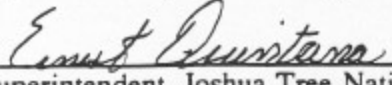
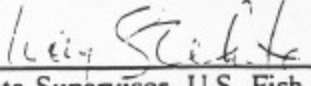
CALIFORNIA DESERT PROTECTION ACT OF 1994 (Public Law 103-433)**Table 2**

General Provisions	BLM Wilderness	FS Wilderness	FWS Wilderness	NPS Wilderness	Non-wilderness Portions of Park Units		
					Death Valley NP	Joshua Tree NP	Mojave Preserve
Management under Wilderness Act	103(a)	103(a)	201(b)	603			
Maps and legal descriptions	103(b)	103(b)	201(c)	602	304	404	504
Livestock Grazing	103(c)	103(c)	103(c)	306, 510	306		510
Buffer Zones	103(d)	103(d)					
Fish and Wildlife Jurisdiction	103(e)	103(e)					
Fish and Wildlife Management	103(f)	103(f)					
Law Enforcement	103(g)	103(g)					
Colorado River dams			202				
Colorado River Upper Basin	203	203	203	203	203	203	203
No Reserved Water Rights in Colorado River			204				
Withdrawal Under Mining Law	103(a)	103(a)		305/405/ 507	305	405	507
Mineral Validity Examinations				509			509
Utility Rights-of-Ways						406	511
Land Tenure Adjustment Priority	702	702	702	702	702	702	702
Native American Uses & Interests	705(a)	705(a)	705(a)	705(a)	705(a)	705(a)	705(a)
Federal Reserve Water Rights	706	706	706	706	Implicit water rights		
State School Lands Exchange	707	707	707	707	707	707	707
Access for Inholdings	708	708	708	708	708	708	708

CHAPTER VI. STATEMENT OF AGREEMENTS

We the undersigned managers agree to:

1. The Principles enunciated herein as guiding the management of wilderness in the California Desert;
2. To review and give individual attention to each proposed annex to these Principles that addresses wilderness and other management issues;
3. To authorize the wilderness task force to meet with other task forces to craft procedures which minimize impacts to wilderness resources.

SIGNATURES	
 _____ Manager, California Desert District	<u>9/15/95</u> DATE
 _____ Manager, Yuma District	<u>9/15/95</u> DATE
 _____ Superintendent, Mojave National Preserve	<u>9/15/95</u> DATE
 _____ Superintendent, Death Valley National Park	<u>9/15/95</u> DATE
 _____ Superintendent, Joshua Tree National Park	<u>9/15/95</u> DATE
 _____ State Supervisor, U.S. Fish & Wildlife Service	<u>9/15/95</u> DATE

PRINCIPLES GOVERNING GRAZING ON THOSE PORTIONS OF ALLOTMENTS WITHIN WILDERNESS

I. INTRODUCTION

The California Desert Protection Act provides, at Section 103(c), that livestock grazing established prior to the Act shall be permitted to continue within Bureau of Land Management wilderness areas subject to reasonable regulations, policies and practices.

Section 103(c) reinforces this direction by prescribing that such regulations, policies and practices conform to Section 101(f) of the Arizona Wilderness Act (P.L. 101-628).

Sections 306 and 510 of the Act authorize the continuation of grazing privileges “at no more than the current level” on the “lands” added to the National Park System in Death Valley National Park and Mojave National Preserve. Such grazing is to be governed by “applicable laws and National Park Service (NPS) regulations.” The authorization of existing grazing on the “lands” in these National Park System units provided for continued grazing without regard as to whether these “lands” are wilderness or non-wilderness within the two units. Thus, grazing may continue, where it now exists, at no more than the current level, on both the wilderness and non-wilderness lands within Death Valley National Park and the Mojave National Preserve.

II. PRINCIPLES

1. TRANSPORTATION:

- a. Each non-emergency entry by motorized vehicle or mechanized transport into wilderness must be approved by the Authorized Officer.
- b. The Authorized Officer may pre-approve a list of scheduled motorized vehicle or mechanized transport entries into wilderness.¹
- c. Motorized vehicle or mechanized transport use in wilderness will normally only be permitted to those portions of the wilderness where they had occurred prior to the area's designation as wilderness.
- d. Each emergency motor vehicle or mechanized transport entry must be reported to the Authorized Officer beforehand, if possible, or by close of business on the next working day. Phone notification is sufficient, if followed up in writing.
- e. “Emergency” access for purpose of entry, as provided for, in Section 101(f) of P.L. 101-628, exist where there is imminent danger of loss of livestock, severe facility damage, an injured person requiring transport, or life threatening situation involving one or more persons.
- f. Mechanized transport includes, but is not limited to, any wheeled vehicle.
- g. Entry by foot or by animal needs no prior approval, unless required by regulations (for example, commercial activities or organized groups).

¹ Such pre-approvals may be specified for certain routes, means, frequencies and purposes. Such pre-approvals may provide for “occasional” motorized vehicle or mechanized transport use. Such use is not to be routine.

2. MOTORIZED EQUIPMENT

- a. Use oil motorized equipment in wilderness (e.g. chain saws, augers, battery operated equipment, etc.) must be approved by the Authorized Officer.
- b. The Authorized Officer may pre-approve a list of scheduled motorized equipment use in wilderness.²
- c. Motorized equipment use in wilderness will normally only be permitted in those portions of the wilderness where they had occurred prior to the area's designation as wilderness.

3. NEW STRUCTURES AND INSTALLATIONS

FOR NPS

- a. Construction of new range facilities (e.g. wells, pipelines, troughs, windmills, fences, cabins) in wilderness will be permitted only where it serves the purpose of natural and/or cultural resource protection.

FOR BLM

- a. Construction of new range facilities in wilderness should primarily serve the purpose of resource protection.

4. REPLACEMENT OF EXISTING STRUCTURES AND INSTALLATIONS

- a. The Authorized Officer may approve the replacement of existing range facilities in wilderness.
- b. Such replacement generally should be of facilities "in kind."³
- c. Replacement of existing facilities in wilderness, where they are visible (i.e. above ground) shall be with natural materials, if the use of natural materials does not impose "unreasonable additional costs" on the permittee.

5. MAINTENANCE OF STRUCTURES AND INSTALLATIONS

- a. Maintenance of existing operational facilities requires approval of the Authorized Officer only if use of motorized vehicle, mechanized transport or motorized equipment is necessary.

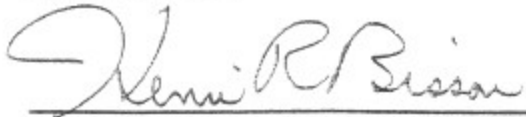
6. ABANDONMENT OF FACILITIES

- a. The permittee will remove all facilities located in wilderness that the permittee either constructed, or made use or made use of, but which are now abandoned.

² Such pre-approvals may be specified for certain areas, tools, frequencies and purposes.

³ For example, a 20' windmill should not be replaced with a 35' windmill; or a one room line shack by a four room ranch house.

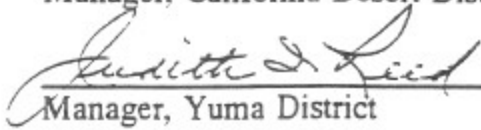
SIGNATURES



Manager, California Desert District

9/15/95

DATE



Manager, Yuma District

9/15/95

DATE



Superintendent, Mojave National Preserve

9/15/95

DATE



Superintendent, Death Valley National Park

9/15/95

DATE

DEFINING MINIMUM REQUIREMENTS FOR ADMINISTERING WILDERNESS AREAS WITHIN THE CALIFORNIA DESERT

INTRODUCTION

As directed by Congress, it is the intent of the Federal Land Managers of the California Desert to secure for the American people of present and future generations an enduring resource of wilderness in the wilderness areas designated through the California Desert Protection Act of 1994. To ensure these areas are managed as directed by Congress, Section 4(c) of the Wilderness Act prohibits nine activities on those wilderness lands. Subject to specific exceptions, the Wilderness Act stipulates that there will be no commercial enterprise, no permanent road, no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any wilderness area. Actions that do not incorporate any of these nine Wilderness Act prohibitions are beyond the scope of this Annex.

The Wilderness Act provides a major exception to seven of the nine prohibitions listed in Section 4(c) of the Act. This Section states that “...*except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation...*” This statutory direction is hereafter called the “**minimum requirements for administration**” exception. The “minimum requirements for administration” exception cannot be used to allow commercial enterprise nor a permanent road. A backcountry patrol station, fire lookout, radio repeater, or chainsaw may be allowed in a wilderness if such use is determined, through a “**Minimum Requirement Analysis**,” to be the “minimum requirements for administration” for the wilderness purpose.

This Annex is intended to clarify management direction and reduce disparity between Federal agencies when applying the “minimum requirements for administration” exception in managing wilderness areas. The decision to approve or deny administrative activities or uses that are the “minimum requirements for administration” remains with each unit manager. However, the Desert Managers, through collective communication will build on a foundation for quality decisions that protect both the physical resources and the wilderness character of the area.

This Annex provides general guidance in determining the use of the “minimum requirements for administration” exception for activities and uses within wilderness. Other annexes, adopted by the Desert Managers, address more specifically the use of the “minimum requirements for administration” determinations for specific circumstances.

The “minimum requirements for administration” exception of the Wilderness Act applies **only to agency administrative activities** for wilderness. Agency activities include such things as using motorized equipment to construct trails, issuing research permits, granting contracts for facilities in wilderness, signing of MOUs for actions normally prohibited in wilderness, etc. Part A of this Annex provides the direction for managing under these circumstances and applying the “Minimum Requirement Analysis.”

For activities by those who possess “existing private rights” in wilderness (e.g., a right-of-way holder), for activities specifically provided by the Wilderness Act, or for activities specifically provided by the California Desert Protection Act, Federal agencies should cooperatively seek to administer for those

rights using “minimum tool” concepts. The prohibitions found in Section 4(c) of the Wilderness Act (listed previously) and the “minimum requirements for administration” exception **do not apply** to “existing private rights” nor to “authorized uses” within designated wilderness. Nonetheless, Federal Land Managers should attempt, when administering for such rights or uses, to minimize impacts on the wilderness resource. Part B of this Annex provides direction for applying the “minimum tool” concept and for using a “**Minimum Tool Analysis**” (distinct from the “Minimum Requirement Analysis” described in Part A) to administer authorized uses and accommodate existing private rights.

PART A. PRINCIPLES FOR AGENCY ADMINISTRATIVE ACTIVITIES

Part A addresses the use of the Section 4(c) “minimum requirements for administration” exception and the use of the “Minimum Requirement Analysis.” This exception authorizes Federal Land Managers to employ temporary roads, use motor vehicles, use motorized equipment or motorboats, land aircraft, employ mechanical transport, and create structures or installations **only if** such activities or uses are “...*necessary to meet minimum requirements for the administration of the area for the purpose* [emphasis added] *of this [Wilderness] Act...*” It is therefore imperative that Federal Land Managers ensure that application of this exception is for that purpose. The purpose of wilderness, as defined in Section 2(a) of the Act, is “... *to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States ... leaving no lands designated for preservation and protection **in their natural condition*** [emphasis added]...” Furthermore, wilderness is defined in Section 2(c) of the Act as being “... *an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions...*” Each Federal Land Manager must apply the following principles when employing the “minimum requirements for administration” exception for agency administrative activities.

1. Each Federal Land Manager who manages wilderness is responsible for administering the wilderness area for the purpose of the Wilderness Act.
2. Each Federal Land Manager is responsible for ensuring that any of the seven prohibited activities or uses occur only when necessary to accomplish the “minimum requirements for administration” of the area as wilderness. (Note: this would not apply for exceptions being made under special provisions in the 1964 Wilderness Act or CDPA or for existing private rights).
3. If a proposed administrative action would use one or more of the seven prohibited activities or uses identified in Section 4(c) of the Wilderness Act, a “Minimum Requirement Analysis” must be completed. This analysis will include a two step process:
 - a. Step one: An analysis of whether the “minimum requirements for administration” exception is appropriate, that is, whether the action is indeed an agency action necessary for the minimum administration of the wilderness area.
 - b. Step two: If the action is necessary for wilderness administration, an analysis of whether the techniques used to accomplish the action are the least degrading to wilderness characteristics.

(Note: this “Minimum Requirement Analysis” would not apply for exceptions being made under special provisions in the 1964 Wilderness Act or CDPA or for existing private rights).

4. If a proposed agency activity is necessary for the administration of the wilderness area for the purpose of wilderness (defined above) and involves one or more of the normally prohibited actions in 4(c) of the Wilderness Act, then the “Minimum Requirement Analysis” must determine and evaluate, at a minimum:
 - a. Whether the proposed agency activity is consistent with existing statutes, regulations, policies, and plans;
 - b. Whether the proposed agency activity would involve any prohibited use listed in Section 4(c) of the Wilderness Act;
 - c. Whether the proposed agency activity involving a prohibited act could, be reasonably accomplished outside of the wilderness area(s); and
 - d. Whether the proposed agency activity could be reasonably accomplished without use of the action(s) prohibited by the Wilderness Act.
5. In determining what is reasonable, the Federal Land Manager will:
 - a. Identify alternatives that do not involve any of the prohibited acts in Section 4(c) of the Wilderness Act;
 - b. Not be guided solely by cost, convenience, or efficiency, but may consider time and cost effectiveness;
 - c. Analyze impacts on the wilderness characteristics (e.g., naturalness, opportunities for solitude or primitive and unconfirmed recreation, and special features) and resources of each alternative, and;
 - d. Determine whether the proposed agency activity, or alternatives not involving any of the prohibited acts, could safely and feasibly accomplish both the objective of the proposed activity and the objective of wilderness management.
6. If the decision involves a normally prohibited act under section 4(c), the accompanying “Minimum Requirement Analysis” should contain a clear and compelling justification for use of the prohibited act(s) necessary to implement the decision and necessary to manage the wilderness area.
7. The “Minimum Requirement Analysis” should specify the conditions that will mitigate adverse effects of the actions) on wilderness characteristics.
8. A Federal Land Manager may prepare a programmatic document that covers a specific management activity involving a prohibited act in wilderness, which recurs on a regular basis (e.g., maintenance of a defined hiking trail system using chainsaws).
9. Federal Land Managers should employ minimum impact or light-on-the-land management techniques in wilderness, even if the project (e.g., using low level helicopter flights to corral burros) does not involve any of the prohibited acts at Section 4(c). Even though such actions are not specifically prohibited by the Wilderness Act and do not require a “minimum requirements

administration” exception, agencies should still consider how best to accomplish the goal with minimal impacts to wilderness character.

10. Other Annexes address emergency situations provided for in law involving health and safety of persons and responses to fire and crimes in which prior analysis may not be feasible.

PART B. PRINCIPLES FOR THE ADMINISTRATION OF AUTHORIZED USES AND ACCOMMODATION OF EXISTING PRIVATE RIGHTS

Part B addresses the administration of authorized uses provided for in the Wilderness Act and/or the California Desert Protection Act and addresses, the accommodation of existing private rights. Authorized uses are summarized in Tables 1 and 2 of the *Principles for Wilderness Management in the California Desert*. Examples of existing private rights could include rights-of-way, valid mining claims, etc. While activities in connection with these authorized uses or existing private rights are not governed by the “minimum requirements for administration” exception to the prohibited acts, the Federal Land Manager will administer or accommodate for such activities to minimize impacts on the wilderness character and resource, and under the conditions prescribed for that activity in law and regulation. To minimize impacts on the wilderness characteristics, the following are the principles the Federal Land Manager must apply to ensure the appropriate “minimum tool” is determined.

1. Each Federal Land Manager who manages wilderness is responsible for administering authorized uses and accommodating existing private rights provided for in law.
2. Each Federal Land Manager who manages wilderness will ensure that the exercise of rights or authorized uses in wilderness, that require an action normally prohibited in Section 4(c) of the Wilderness Act, are carried out only after the Federal Land Manager issues an authorization (e.g., a permit).
3. Authorization will be issued only after completing a “Minimum Tool Analysis.” This analysis must consider:
 - a. Whether the proposed use would involve any normally prohibited activity listed in Section 4(c) of the Wilderness Act;
 - b. Whether the proposed use is specifically provided for in the Wilderness Act or in the California Desert Protection Act;
 - c. Whether the proposed use is necessary for the conduct of the authorized use or for the exercise of the existing private right;
 - d. Whether the proposed use could be reasonably accomplished outside of the wilderness area(s); and
 - e. Whether the proposed use could be reasonably accomplished without use of the action(s) normally prohibited by the Wilderness Act.
4. Authorizations should contain reasonable provisions to reduce the impact on wilderness character. These provisions may include, for example, conditions on the travel routes, methods, means, or frequencies, conditions on the use by season, time of day, or duration, or conditions on the size or

type of equipment, structure or installation. Such provisions shall be consistent with the expressed Congressional intent applicable to that activity.

5. Federal Land Managers should encourage the use of minimum impact or light-on-the-land management techniques within wilderness whenever possible.

SIGNATURES


Superintendent, Mojave National Preserve

8/27/98
DATE


Superintendent, Death Valley National Park

9/6/98
DATE


Superintendent, Joshua Tree National Park

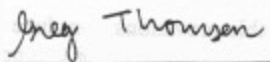
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Superintendent, Lake Mead National Rec. Area

9/3/98
DATE


District Manager, California Desert District

10-1-98
DATE


Field Manager, Ridgecrest Field Office

10/8/98
DATE


Field Manager, Barstow Field Office

8-27-98
DATE


Field Manager, Needles Field Office

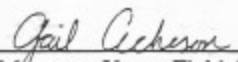
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Field Manager, Palm Springs/South-Coast Field Office

10/29/98
DATE


Field Manager, El Centro Field Office

10/29/98
DATE


Field Manager, Yuma Field Office

11/10/98
DATE


Field Manager, Lake Havasu Field Office

11/27/98
DATE

Diane K. Mole
Field Supervisor, Ventura Fish & Wildlife Office
U.S. Fish & Wildlife Service, Region One

1/13/99
DATE

Sheryl L. Barrett
Assistant Field Supervisor, Carlsbad Fish & Wildlife Office
U.S. Fish & Wildlife Service, Region One

1/20/99
DATE